

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

TAYR KILAAB AL
GHASHIYAH (KHAN),

Plaintiff,

v.

Case No.

KEVIN CARR, et al.,

Defendants.

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

Defendants Kevin Carr, Jon Litscher, Cathy Jess, Trina Kroening-Skime, Larry Primmer, Craig Tom, William Brown, Edward Wall, Tracy Martin, Ellen Ray, Angela Mink, Shirley Gates, Doug Engelbert, Bonnie Lind, Matthew Frank, and Cindy O'Donnell¹ hereby give notice of removal of this civil action from the Kenosha County Circuit Court to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1441 and 1446. The grounds for removal are as follows:

1. Kenosha County Case No. 21-CV-375 has been commenced and is pending in the Circuit Court for Kenosha County.
2. Plaintiff is a resident of Kenosha, Wisconsin.

¹ Many additional defendants named in the Complaint have not yet been served and are not yet represented by undersigned counsel.

3. This action was commenced when he filed a summons and complaint on March 30, 2022. These documents were served on Defendants Engelbert and Lind on July 13, 2022. These documents were served on Defendants Carr, Wall, Litscher, Jess, O'Donnell, and Frank on July 15, 2022. These documents were served on Defendants Kroening-Skime, Primmer, Tom, Brown, Martin, Ray, and Mink on July 18, 2022. These documents were served on Defendant Gates on July 19, 2022.

4. Pursuant to 28 U.S.C. § 1446(a), a true and complete copy of the summons and complaint is attached to this notice as Exhibit 1.

5. This action is being timely removed on August 12, 2022, within 30 days after service. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 353-54 (1999). All Defendants who have been served join in this removal.

6. The civil action now governed by the complaint remains pending.

7. The action arises under provisions of the federal constitution and a federal statute, specifically 42 U.S.C. § 1983. Plaintiff alleges Defendants violated the First, Fifth, Eighth, Ninth, and Fourteenth Amendments.

8. This Court has original jurisdiction over claims arising under the Constitution or laws of the United States. 28 U.S.C. § 1331.

9. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(a), which authorizes removal of “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a); *see also Wis. Dep’t of Corrs. v. Schacht*, 524 U.S. 381, 386 (1998). Removal is proper when federal law claims are asserted in state court, even if those federal law

claims may be initiated in state court. *Breuer v. Jim's Concrete of Brevard, Inc.*, 538 U.S. 691, 693 (2003).

10. The United States District Court for the Eastern District of Wisconsin is the proper venue for removal of this action because the action was commenced and is pending in a Wisconsin circuit court within this district. 28 U.S.C. § 1441(a).

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action, including a copy of this notice of removal, is being simultaneously mailed to the Plaintiff and to the Clerk of Courts for the Circuit Court of Kenosha County, Wisconsin.

12. Pursuant to 28 U.S.C. § 1441(a), removal of these claims is mandatory upon compliance with 28 U.S.C. § 1446 as herein accomplished.

13. The Defendants listed in paragraph 3 above are represented by undersigned counsel and consent to this removal.

WHEREFORE, Defendants represent that they have complied with the applicable provisions of law and give notice that this action stands removed from the Circuit Court for Kenosha County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin.

Date: August 12, 2022

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

s/ Jonathan J. Whitney
JONATHAN J. WHITNEY
Assistant Attorney General
State Bar #1128444

REBECCA A. PAULSON
Assistant Attorney General
State Bar #1079833

Attorneys for Defendants Kevin Carr, Jon Litscher, Cathy Jess, Trina Kroening-Skime, Larry Primmer, Craig Tom, William Brown, Edward Wall, Tracy Martin, Ellen Ray, Angela Mink, Shirley Gates, Doug Engelbert, Bonnie Lind, Matthew Frank, and Cindy O'Donnell

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-1001 (Whitney)
(608) 266-0278 (Paulson)
(608) 294-2907 (Fax)
whitneyjj@doj.state.wi.us
paulsonra@doj.state.wi.us